

**IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

IN RE:

TERI G. GALARDI,

Debtor.

CHAPTER 11

CASE NO. 22-50035-JPS

**CONSENT MOTION TO EXTEND TIME TO FILE COMPLAINT OBJECTING TO
DISCHARGE PURSUANT TO 11 U.S.C. § 727 OR TO FILE COMPLAINT TO
DETERMINE DISCHARGEABILITY OF DEBT PURSUANT TO 11 U.S.C. § 523
AS TO ALL UNSECURED CREDITORS**

The Official Committee of Unsecured Creditors (the “Committee”) of Teri G. Galardi (“Debtor”) hereby move the Court pursuant to Federal Rules of Bankruptcy Procedure 4004(b), and 4007(c) for an extension of time within which any unsecured creditor may: (1) file a complaint objecting to the discharge of the Debtor pursuant to 11 U.S.C. § 727, and (2) file a complaint to determine the dischargeability of a debt pursuant to 11 U.S.C. § 523, and in support states as follows:

1. On January 12, 2022 (the “Petition Date”), the Debtor filed a voluntary petition for relief under Subchapter V of Chapter 11 of Title 11 of the United States Code (the “Bankruptcy Code”) in this Court (Doc. No. 1).

2. On March 30, 2022, the Court entered an order under which Debtor consented to proceed in Chapter 11 under the provisions other than Subchapter V (Doc. No. 64). Debtor subsequently amended her schedules to remove the Subchapter V election (Doc. No. 67). Thus, Debtor is proceeding in “traditional” Chapter 11 under the provisions other than Subchapter V.

3. The Committee was appointed by the United States Trustee on April 28, 2022 (Doc. No. 99) and the Jones & Walden LLC was authorized by the Court to represent the Committee on May 10, 2022 (Doc. No. 103).

4. The initial deadline to file a complaint objecting to a debtor's discharge or the dischargeability of a debt was 60 days after the date first set for the meeting of creditors, i.e. April 18, 2022.

5. Debtor consented to an extension of both such deadlines (Doc. No. 83) and the Court entered an order extending such deadlines accordingly through July 17, 2022 (Doc. No. 90). Debtor consented to a second extension of both such deadlines through (Doc. No. 139) and the Court entered an order extending such deadlines accordingly through September 28, 2022 (Doc. No. 166). Debtor consented to a third extension of both such deadlines (Doc. No. 191) and the Court entered an order extending such deadlines accordingly through November 28, 2022 (Doc. No. 196). Debtor consented to a fourth extension of both such deadlines (Doc. No. 249) and the court entered an order extending such deadlines accordingly through January 27, 2023 (Doc. No. 252). Debtor consented to a fifth extension of both such deadlines (Doc. No. 279) and the court entered an order extending such deadlines accordingly through March 30, 2023 (Doc. No. 280).

6. The Committee filed a disclosure statement, as amended (Doc. No. 237) and plan of liquidation (Doc. No. 238). Debtor also filed a disclosure statement (Doc. No. 240) and plan of reorganization (Doc. No. 247). The Court held a hearing on the Committee's disclosure statement and continued such hearing to January 11, 2023.

7. The Committee and Debtor engaged mediation regarding these two plans and the potential for a global resolution of this case on January 9, 2023. The parties reached a resolution for treatment of the unsecured creditors from a liquidating trust for the benefit of unsecured creditors to be memorialized in a plan of reorganization to be submitted to the Court.

8. Debtor and the Committee have filed a Joint Disclosure Statement (Doc. No.

300) and a Joint Plan of Reorganization (Doc. No. 299). The Court has scheduled a hearing on the Joint Disclosure Statement to be held on April 11, 2023.

9. Should the agreement reached at mediation be consummated through a confirmed plan of reorganization, the Committee will not object to Ms. Galardi's discharge or to dischargeability and anticipates that all creditors (other than Jack Galardi, Jr. who has already filed an adversary proceeding) will not object to discharge or dischargeability. However, until such time as the plan of reorganization is actually confirmed, the Committee desires to extend the deadline to object to discharge and dischargeability to protect unsecured creditors' rights.

10. Accordingly, the Committee, on behalf of its constituents, brings this motion.

11. The Committee has standing to bring such motion. *See In re Linn*, 88 B.R. 365 (Bankr. W.D. Ok. 1988) ("in a Chapter 11 case, a creditor's committee is a party in interest for purposes of requesting an extension of time pursuant to Rule 4007(c) and granting its request for an extension of time); 11 U.S.C. § 1109(b) "A party in interest, including . . . a creditor's committee . . . may raise and may appear and be heard on any issue in a case under this chapter"; Federal Rule of Bankruptcy Procedure 4004(b)(1) ("on motion of any party interest . . . the court may for cause extend the time to object to discharge."); Federal Rule of Bankruptcy Procedure 4007(c) ("on motion of a party in interest . . . the court may for cause extend the time fixed under this subdivision.").

12. This motion is brought prior to the expiration of the time for filing such complaint.

13. The Committee requests that the Court extend the time within which all unsecured creditors may file an objection to the Debtor's discharge pursuant to Bankruptcy Code § 727 and Federal Rule of Bankruptcy Procedure 4004 to **April 30, 2023**. The Committee also requests an

extension of time within which all unsecured creditors may file an objection to the dischargeability of debt pursuant to Bankruptcy Code § 523 and Federal Rule of Bankruptcy Procedure 4007 to **April 30, 2023**.

14. The Committee has been advised that Debtor does not oppose the relief requested in this motion and anticipates uploading a consent order with Debtor's counsel's signature.

WHEREFORE the Official Committee of Unsecured Creditors respectfully requests that the Court grant the extensions of time requested herein.

Respectfully submitted this 27th day of March, 2023.

JONES & WALDEN LLC

/s/ Thomas T. McClendon

Thomas T. McClendon

Georgia Bar No. 431452

699 Piedmont Ave NE

Atlanta, Georgia 30308

(404) 564-9300

tmccclendon@joneswalden.com

Attorney for Committee of Unsecured Creditors

**IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

IN RE:

TERI G. GALARDI,

Debtor.

CHAPTER 11

CASE NO. 22-50035-JPS

CERTIFICATE OF SERVICE

This is to certify that on this day the foregoing **Consent Motion to Extend Time to File Complaint Objecting to Discharge Pursuant to 11 U.S.C. § 727 or to File Complaint to Determine Dischargeability of Debt Pursuant to 11 U.S.C. § 523 As to All Unsecured Creditors** (the “Motion”) was electronically filed using the Bankruptcy Court’s Electronic Case Filing program which sends a notice of and an accompanying link to the Motion to the following parties who have appeared in this case under the Bankruptcy Court’s Electronic Case Filing Program:

- **Michael Akemon** mutepe.akemon@richardslegal.com
- **Ainsworth G Dudley** adudleylaw@gmail.com
- **Evan Owens Durkovic** ecfgamb@aldridgepите.com, edurkovic@ecf.courtdrive.com
- **Robert G. Fenimore** robert.g.fenimore@usdoj.gov, Ustp.region21.mc.ecf@usdoj.gov
- **Will Bussell Geer** wgeer@rlkglaw.com, notices@nextchapterbk.com; willgeer@ecf.courtdrive.com;2836@notices.nextchapterbk.com;6717577420@filings.docketbird.com;geer.willb117921@notify.bestcase.com;emiller@rlkglaw.com
- **Whitney Warnke Groff** wgroff@law.ga.gov
- **Elizabeth A. Hardy** elizabeth.a.hardy@usdoj.gov, Ustp.region21.mc.ecf@usdoj.gov; elizabeth.hardy.collins@usdoj.gov
- **Christina T. Lanier** christina.t.lanier@usdoj.gov, southern.taxcivil@usdoj.gov
- **Jonathan Loegel** jonathan@loegel.com
- **Roy E. Manoll** kdd@fbglaw.com
- **Louis G. McBryan** lmcbryan@mcbryanlaw.com, alepage@mcbryanlaw.com
- **Garrett A. Nail** gnail@pgnlaw.com
- **James D. Silver** jsilver@kklaw.com, raldama@kklaw.com
- **Ward Stone** wstone@stoneandbaxter.com, lford@stoneandbaxter.com; mcathey@stoneandbaxter.com;dbury@stoneandbaxter.com;lchapman@stoneandbaxter.com; amoses@stoneandbaxter.com
- **Christopher W. Terry** chris@boyerterry.com, terrycr40028@notify.bestcase.com
- **U.S. Trustee - MAC** Ustp.region21.mc.ecf@usdoj.gov

This 27th day of March, 2023.

JONES & WALDEN LLC

/s/ Thomas T. McClendon

Thomas T. McClendon, Georgia Bar No. 431452
Attorney for Committee of Unsecured Creditors
699 Piedmont Ave NE, Atlanta, Georgia 30308
(404) 564-9300 | tmcclendon@joneswalden.com